



CANNON BUILDING  
861 SILVER LAKE BLVD., SUITE 203  
DOVER, DELAWARE 19904-2467

STATE OF DELAWARE  
**DEPARTMENT OF STATE**

DIVISION OF PROFESSIONAL REGULATION

TELEPHONE: (302) 744-4500  
FAX: (302) 739-2711  
WEBSITE: WWW.DPR.DELAWARE.GOV

PUBLIC MEETING MINUTES:	<b>BOARD OF ARCHITECTS</b>
MEETING DATE AND TIME:	<b>Wednesday, June 5, 2013 at 12:00 p.m.</b>
PLACE:	<b>861 Silver Lake Blvd., Conference Room B, Second floor, Dover, Delaware</b>
MINUTES APPROVED:	July 3, 2013

**MEMBERS PRESENT**

Kenneth Freemark, RA, Professional Member  
Peter H. Jennings, RA, Professional Member  
Kevin Wilson, RA, Professional Member, Secretary  
Prameela Kaza, Public Member  
Elizabeth Happoldt, Public Member  
Richard Wertz, RA, Professional Member  
Joseph Schorah, Public Member

**DIVISION STAFF/DEPUTY ATTORNEY GENERAL**

Patricia Davis-Oliva, Deputy Attorney General  
Jennifer Singh, Assistant Attorney General  
Meaghan Jerman, Administrative Specialist II

**ABSENT**

John Mateyko, RA, Professional Member  
Brian Lewis, Public Member

**OTHERS PRESENT**

None

**Call to Order**

Mr. Freemark called the meeting to order at 12:05 p.m.

**Review and Approval of Minutes**

The Board reviewed the minutes of the May 1, 2013 meeting. Mr. Jennings made a motion to accept the minutes as presented, seconded by Ms. Kaza. The motion passed with majority with Mr. Wertz abstaining.

**Proposal to Deny Hearing**

See Hearing Minutes Below

### **Unfinished Business**

#### **Discussion of Possible Regulation Changes/Review of States CE Regulations and Emeritus Status**

The Board was provided with a state specific listing of regulations by those states who offer an Emeritus status. Mr. Jennings explained that more than half of the states have an Emeritus status. Mr. Jennings distributed a draft of changes to the regulations to include Emeritus status. Mr. Wertz inquired about the proposed regulations requirement that to be eligible for Emeritus status the architect must be licensed in the state for over 10 years. Mr. Wertz pointed out that Delaware is a state where many individuals come to retire. Mr. Jennings stated that the proposed regulations are consistent with what all other states are doing and that it is an honorific title for those individuals who have been practicing in the state for at least 10 years. The Board reviewed the proposed regulations and discussed the matter. Mr. Schorah made a motion to accept the proposed changes to the regulations concerning the addition of the Emeritus status adding Section 6.9, seconded by Ms. Kaza. The motion passed unanimously.

Mr. Wilson provided a handout to the Board of proposed Continuing Education regulation changes that identify the need of the proration of CE based on initial licensure dates. Mr. Wilson explained that he reviewed all other states regulations pertaining to continuing education and modeled the proposed regulations after Oregon and Rhode Island. Mr. Wilson pointed out that the suggested regulation changes include that continuing education may be reused if there is overlap to meet the calendar year requirements. Mr. Wilson highlighted the other suggested revisions to the regulations including approved continuing education and audits and attestation of compliance. The Board discussed the proposed changes. Mr. Wertz made a motion to accept the proposed changes to the regulations to add the proration of continuing education for new licensees as well as clarification on approved Continuing Education and the addition of audits and attestation of compliance, seconded by Ms. Kaza. The motion passed unanimously.

Ms. Davis-Oliva explained that the Board will likely hold a hearing in September for these proposed changes.

The Board discussed the phase in of the new CE requirements for existing licensees and suggested that a notice be sent out explaining that as we phase in to the new requirements that CE from 2013 may be reused in the 2015 renewal. A letter will be drafted and reviewed by the Board prior to distribution.

### **New Business**

#### **Election of Officers**

Mr. Freemark nominated John Mateyko as Board President for the 2013-2014 term, seconded by Ms. Happoldt. The motion passed unanimously.

Mr. Schorah nominated Kevin Wilson as Secretary of the Board for the 2013-2014 term, seconded by Ms. Kaza. The motion passed unanimously.

#### **Review of NCARB Correspondence Concerning Proposed Changes to the Intern Development Program**

The Board decided to table this item until after the NCARB annual meeting as more information will be available on the matter at that time.

#### **Review of NCARB Final Resolutions that will be Presented at Annual Meeting**

Mr. Jennings inquired if Board members reviewed the NCARB Final Resolutions that will be presented at the Annual meeting. As not all Board members had an opportunity to review all Resolutions, Mr. Freemark made a motion to provide Mr. Jennings the approval to act on the Board's behalf at the NCARB Annual meeting, seconded by Mr. Schorah. The motion passed unanimously.

New Complaints Assigned to a Contact Person

There were no new complaints.

Ratification of Certificate of Authorization Applications

Mr. Wilson made a motion, seconded by Mr. Wertz to ratify the certificate of authorization issued to Nelson Architectural Engineers; Architectural Group International, P.S.C.; Stantec Architecture, Inc; Middough, Inc.; Q.A. + INC; The motion carried unanimously.

Ratification of Reciprocity Applications – NCARB Certificate

Mr. Freemark made a motion to ratify the listing of issued licenses to NCARB Certified architects by reciprocity. The motion carried unanimously.

Larry Christian  
Paulette Dimovski  
Kenneth Bere

Inkai Mu  
James McLeish

Stephen Laurie  
Jason Szor

Review of Re-Applications by NCARB

Frederick Hiser

Mr. Wertz reviewed Mr. Hiser's application. Mr. Wertz confirmed that Mr. Hiser meets all the requirements for licensure and his CE was complete. Mr. Wertz recommended that Mr. Hiser be approved for licensure, seconded by Mr. Wilson. The motion passed unanimously.

**Other Business Before the Board (for discussion only)**

Ms. Davis-Oliva informed the Board that members of the Sussex County Council as well as legal counsel for the Delaware Association of Professional Engineers are seeking to have a sit down with the President of the Board of Architects to discuss a Sussex County ordinance. Ms. Davis-Oliva will follow up with the newly elected President on this matter as he was not present at the meeting.

Ms. Jerman inquired if the July 3, 2013 meeting date would be convenient for Board members as it falls before the holiday. Ms. Jerman will send correspondence to Board members to determine the next meeting date as there may not be a quorum available on July 3, 2013.

Ms. Jerman inquired about magazine articles as acceptable continuing education for the 2013 renewal. Mr. Jennings confirmed that the credits must be HSW and AIA or NCARB approved to be considered acceptable.

**Public Comment**

There was no public comment.

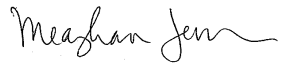
**Next Scheduled Meeting**

The next meeting will be held on July 3, 2013 at 1:30 p.m. in Conference Room B, second floor of the Cannon Building, 861 Silver Lake Boulevard, Dover, Delaware.

**Adjournment**

With no further business before the board, Mr. Schorah made a motion to adjourn the public meeting, seconded by Mr. Wertz. The motion carried unanimously. The meeting adjourned at 1:45 p.m.

Respectfully submitted,

A handwritten signature in black ink, reading "Meaghan Jerman". The signature is written in a cursive, flowing style with a long horizontal flourish at the end.

Meaghan Jerman  
Administrative Specialist II

### **HEARING – Kenneth Fox**

The Delaware Board of Architects held a hearing on June 5, 2013 at 12:05 p.m. in the Second Floor Conference Room B, Cannon Building, 861 Silver Lake Blvd., Suite 203, Dover, Delaware.

**PRESENT:** Kenneth Freemark, Elizabeth Happoldt, Prameela Kaza, Peter Jennings, Kevin Wilson, Joseph Schorah, Richard Wertz

**RECUSED:** None

**EXCUSED:** John Mateyko, Brian Lewis

**PURPOSE:** Propose to Deny

**PRESIDING:** Kenneth Freemark

**BOARD STAFF:** Meaghan Jerman, Administrative Specialist II

**DEPUTY ATTORNEY GENERAL FOR THE BOARD:** Patricia Davis-Oliva, DAG

**DEPUTY ATTORNEY GENERAL FOR THE STATE:**

**RESPONDENT:** Kenneth Fox

**COUNSEL FOR THE RESPONDENT:** None

**WITNESSES FOR THE STATE:** None

**WITNESSES FOR THE RESPONDENT:** None

**COURT REPORTER PRESENT:** Juli LaBadia, Wilcox and Fetzer

**TIME STARTED:** 12:07 p.m.

The court reporter took verbatim testimony. The Board members introduced themselves. Ms. Davis-Oliva described the reason for the hearing and confirmed Mr. Fox was present.

Ms. Davis-Oliva explained that the Board had previously reviewed Mr. Fox's application for licensure at the April 3, 2013 Board meeting and proposed to deny it on the basis that he failed to meet the statutory qualifications, specifically, 24 *Del. C.* § 307(c)(2) which states that the Board may refuse or reject an application who has "misstated or misrepresented a fact in connection with an application." Mr. Fox's application dated January 28, 2013 indicated that he had not been the subject of any disciplinary sanctions with regard to his professional conduct, however documentation received from NCARB disclosed disciplinary action was taken in New Jersey in 1997.

Board Exhibit #1 included a copy of the April 8, 2013 letter notifying Mr. Fox of the Board's decision to propose to deny his application, Mr. Fox's April 8, 2013 letter responding to the Board's notice, the Board's clarification letter back to Mr. Fox on April 18, 2013 inquiring if he would like a hearing, Mr.

Fox's response of May 13, 2013 indicating that he would like a hearing and he was waiving the 20 days notice requirement, as well as Mr. Fox's application and Mr. Fox's NCARB file.

Mr. Fox was sworn in and gave a statement for the record. Mr. Fox apologized for completing the application dishonestly and explained the disciplinary action that had taken place in New Jersey in 1997. Board members inquired on the status of the project for which Mr. Fox was applying for licensure. Mr. Fox explained that he had been working on construction documents while he waited to obtain licensure in Delaware, which Mr. Wertz explained is a violation of the practice of architecture in Delaware. Board members reviewed the definition of the practice of architecture in Delaware with Mr. Fox. The Board went off the record to deliberate at 12:42 p.m. The Board went back on the record at 1:04 p.m. Mr. Schorah made a motion to grant Mr. Fox a license in Delaware, seconded by Mr. Jennings. The motion passed by majority with Mr. Wertz opposed and Mr. Lewis abstaining.

The hearing concluded at 1:06 p.m.